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HE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Larson et al.

Confirmation No.:

7146

Serial No.:

10/645,136

Art Unit:

3733

Filed:

August 20, 2003

Examiner: Philogene, Pedro

For:

GUIDED RETRACTOR AND

Attorney Docket No.:

8932-973-999

METHODS OF USE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1.	Enclos	sures accompanying this Information Disclosure Statement are:
	la.	A list of all patents, publications, applications, or other information submitted for consideration by the office.
	1b.	A legible copy of:
		Each publication or that portion which caused it to be listed on the PTO-1449;
		For each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion that have been checked to be unavailable at the USPTO's private PAIR system;
		An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report;
		Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications;
		☐ All other information or portion which caused it to be listed on the PTO-1449.
	lc.	☑ Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), copies of the cited U.S. patents and U.S. patent application publications are not submitted herewith unless required by the office.
	1d.	Pursuant to 1287 OG 163, copies of cited pending unpublished applications that are available at the USPTO's private PAIR system are not submitted herewith.
2.	\boxtimes	This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

		continued prosecution application under §1.53(d);
		Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
		Before the mailing of the first Office action on the merits;
		Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3.	under 3	This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the specified in 37 C.F.R §1.97(b), but before the mailing date of any of a final action 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that rise closes prosecution in the application.
		(Check either Item 3a or 3b)
	3a.	The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
	3b.	The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
		 enclosed. to be charged to Jones Day Deposit Account No. 50-3013.
		(Item 3b to be checked if any reference known for more than 3 months)
4.	period	This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.
	The Co	ertification Statement in Item 5 below is applicable.
		The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is: enclosed.
		to be charged to Jones Day Deposit Account No. 50-3013.
5.		Certification Statement (applicable if Item 3a or Item 4 is checked):
		(Check either Item 5a or 5b)
	5a.	☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
	5b.	☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
	5c.	Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement

6.	This application is a continuation application under 37 C.F.R. §1.33(b) or (d).).	
	(Check appropriate Items 6a, 6b and/or 6c)					
	6a.	A Petition to Without filed herewith.	draw from issue	e under 37 C.F	R. §1.313(b)(5) is conc	urrently
	6b.	No. , filed or	n , of whi	ich this applica	of from prior application ation claims priority und a 37 C.F.R. §1.98(d).	
	6c.	Copies of the publi		on Form PTO-	1449 were not previously , and are provided her	
7.	\boxtimes	This is a Supplemental	Information D	isclosure State	ment. (Check Item 7a)	
	7a.	supplements the In and August 11, 200 §1.98, but inadvert corrected herein.	formation Disc 05. A bona fident omissions vaccordingly, acremation Disclo	closure Stateme e attempt was were made. The iditional time is	ement under 37 C.F.R. § ent filed on November 1 made to comply with 37 nese omissions have bee is requested so that this that can be considered as if	7, 2003 C.F.R. n
8.	In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:					tly
		(Check Item 8a,	, 8b, or 8c)		
	8a.	enclosed English la	anguage copy o a counterpart f	of the PCT Inte foreign applica	ications were cited on the creational Search Report tion indicating the degree	or the
	8b.	Set forth in the app	olication.			
	8c.	☐ Enclosed as an atta	achment hereto			
9.	The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 50-3013.					
10.	(other	No admission is made material to patentability than a search report of a t if submitted herewith).	and no represe foreign counte	ntation is made rpart applicati	on or PCT International	made
			Respectfu	lly submitted,		
Date:	Janu	ary 12, 2006				54,390
Dute.	Julia	my 12, 2000	Brent P. JONES I	•		(Reg. No.)
			22 East	41st Street		•
			New Yor	rk, New York	10017	

OIPE	
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	

ATTY. DOCKET NO.	APPLICATION NO.				
8932-973-999	10/645,136				
APPLICANT					
Larson et al.					
FILING DATE	GROUP				
August 20, 2003	3732				

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATI
	A01	6,102,852	8/2000	Liu			
	A02	5,976,146	11/2/1999	Ogawa et al.			
	A03	5,569,300	10/1996	Redmon			
	A04	5,395,317	3/7/1995	Kambin			
	A05	5,312,417	5/17/1994	Wilk			
-	A06	5,197,971	3/30/1993	Bonutti			
	A07	5,131,382	7/21/1992	Meyer			
	A08	5,071,410	3/14/1991	Pazell			
	A09	3,044,461	7/17/1962	Murdock			
<u>.</u>	A10	835,968	11/1906	Mennes			
	A11						
	A12						

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSL	ATION
					200	YES	NO
В0	1						
В0	2						
В0	3						
B0	4						
B0	5						
В0	6						
BO	7						
B.O.	.0						1

		OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)
	C01	Thongtrangan et al., "Minimally invasive spinal surgery: a historical perspective," Neurosurg Focus 16 (1): Article 13, 2004.
?	C02	Muller et al., "A Keyhole Approach for Endoscopically Assisted Pedicle Screw Fixation in Lumbar Spine Instability," Neurosurgery, Vol. 47, No. 1, July 2000.
•	C03	Duncan J. Turner, "A New, Radially Expanding Access System for Laparoscopic Procedures versus Conventional Cannulas," The Journal of the American Association of Gynecologic Laparoscopists, Vol. 3, No. 4, August 1996.
	C04	Parviz Kambin, "The Role of Minimally Invasive Surgery in Spinal Disorders," Advances in Operative Orthopedics, Vol. 3, pp. 147-171, 1995.

EXAMINER	DATE CONSIDERED